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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/025,382 | 12/19/2001 | Robert J. Seymour | KCX-481 (17407) | 5397 |

7590 08/26/2003

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EXAMINER

HUG, ERIC J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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1731

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/025,382 | SEYMOUR ET AL. | |
| | Examiner | Art Unit | |
| | Eric Hug | 1731 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-24 and 29-35 is/are allowed.
- 6) ☒ Claim(s) 1-5, 25-28 and 36-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____. |

Art Unit: 1731

Response to Amendment

The following is in response to the amendment filed on April 29, 2003.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-5, 25-28, and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liebeck (US 999,375) in view of Linkletter (US 4,087,319) and further in view of Smook (Chapter 23 of Handbook for Pulp and Paper Technologists). Liebeck discloses a machine for manufacturing toilet tissue whereby the finished rolls of toilet paper are made in the same operation as the making of the tissue paper, thus eliminating the intermediate steps of winding into rolls, shipping the rolls to a converting facility, and unwinding the rolls before converting (includes perforating, slitting, and winding into product rolls). The paper machine is represented in Figure 1 as having a typical forming section, press section, and drying section. As soon as the web of paper leaves the last of the drying cylinders (5), the web is transported through a calender (11), pressure rolls (12), slitting and perforating devices (16), and to the winding device (17) for rolling into small rolls (see Figure 2). After the pressure rolls, the web is delivered to and continuously supported through the perforating and slitting devices, and then to the winding device by guide tapes (25). The converting devices co-act with the remainder of the paper machine in a manner so that the speeds are commensurate with the travel speed of the web leaving the drying cylinders (column 1, lines 43-51). The difference between the claimed

Art Unit: 1731

present invention and the paper machine of Liebeck is that the web in Liebeck is unsupported between the last dryer cylinder and the perforator/slitter devices.

Linkletter discloses a continuously advancing system for separating a tissue web from a Yankee dryer roll, creping the web, embossing the web, and reeling the web. Linkletter solves problems associated with unsupported tissue webs as they are conveyed from the dryer to the winder. Linkletter explicitly teaches that it is desired to transfer a tissue web from a dryer to a reel and thread the web through treatment devices in between the dryer and the reel by means of an endless fabric conveyor belt. The web is received from the dryer cylinder between supporting conveyor belts and is transported to the reel. See particularly column 1, lines 10-28 and 49-55, column 2, lines 32-39, 46-48, and 54-57, and column 2, line 67 to column 3, line 3. Therefore, at the time of the invention, it would have been obvious to one skilled in the art to provide for continuous transfer and transport of the tissue web of Liebeck from dryer to winder by means of endless conveyor belts as taught by Linkletter in order to eliminate unsupported draws between processing equipment.

With respect to the claims:

Claim 1: The method steps of forming, drying, converting, and winding into rolls of product form are taught by Liebeck. Combining the steps of transferring the web to a conveyor and performing a converting step while on the conveyor as taught by Linkletter leads to the claimed invention.

Claims 2, 3: The paper in Liebeck is dried before converting and the paper in Linkletter is dried before transferring from the dryer cylinder to the endless conveyor.

Art Unit: 1731

Claim 4: Liebeck teaches calendering and perforating. Linkletter teaches both calendering and embossing.

Claim 5: In Liebeck, it would be obvious to monitor the amount of paper desired and then sever the paper before the winding step once the desired amount is reached so that the formed roll has the proper size.

Claims 25, 26: The apparatus of Liebeck modified in view of Linkletter has the claimed elements as described above, namely a web forming apparatus, web transfer means, conveyance system, converting station, and a winding element.

Claim 27: The support belt is an endless fabric conveyor.

Claim 28: Smook is cited to provide evidence that the converting operations of folding, embossing with two rolls, and coating on one or two sides are all well-known operations for paper. Therefore, at the time of the invention it would have been obvious to one skilled in the art to incorporate any of these converting operations in the paper machine of Liebeck modified in view of Linkletter as desired for folding a sheet into products such as napkins, or for embossing a pattern into the sheet, or for providing the sheet with desired surface properties or appearance.

Claims 36-38: Steps a) through e) and h) through j) of claim 36 and the winding step of claim 38 are taught or suggested by the combination of Liebeck with Linkletter as described above. See particularly Figure 1 of Linkletter for the presence of two belts between which the web is conveyed. The converting steps f) and g) of claims 36 and the processing stations of claim 37 are all well known to one skilled in the art and as taught by Smook above.

Claims 39: Liebeck uses a modular reel and bypass apparatus (additional reel) for winding individual product rolls.

Allowable Subject Matter

Claims 6-24 are allowed. Reasons for allowance of these claims were given previously.

Claims 29-35 are allowed. With respect to Applicant's arguments, the prior art does not teach or suggest transferring and continuously advancing an uncreped, through-dried web product using a plurality of conveyors from a dryer to a finished product through converting, perforating, and slitting devices which act on the web while it is supported.

Response to Arguments

Applicant's arguments regarding the combination of Liebeck and Linkletter are not persuasive. Liebeck discloses a machine for manufacturing toilet paper whereby the finished rolls of toilet paper are made at one and the same operation with the preliminary making of the paper (column 1, lines 23-33). This is one of the objectives of the present invention. With regards to claim 1, Liebeck discloses forming a paper web on a forming apparatus, performing converting operations (perforating/slitting) on the formed web as it is advanced and continuously conveyed on guide tapes, and then winding the converted web into a rolled product which is ready for packaging. Unlike the claimed invention, the web is not continuously transferred from the forming apparatus (i.e. after the last drying cylinder) to the plurality of conveyors (the guide tapes).

Linkletter has been cited to explicitly show that it is desired to transfer a tissue web from the dryer to the winder and through converting devices while being continuously supported on one or more conveyor belts. This is to solve handling problems encountered with unsupported

Art Unit: 1731

transfer of a lightweight tissue sheet on a paper machine and subsequent threading problems onto a reel spool. Therefore, it is the examiner's opinion that the teachings of Linkletter would provide motivation to one of ordinary skill in the art to improve web transfer on the paper machine of Liebeck and eliminate the problems associated with unsupported regions of transfer.

With regards to the amendments to the claims, the recitation of more than one conveyor does not render the claims patentable, as the use of any number of conveyor belts to achieve the purpose set out by Linkletter would have been prima facie obvious, see *In re Harza*, 124 USPQ 378 (CCPA 1960) - mere duplication of parts without any new and unexpected results is within the skill in the routineer in the art.

The examiner respectfully disagrees with Applicant that guide tapes are not conveyors. They are not the same as conveyor belts, but they are nevertheless web conveyors in the general sense.

Applicant's arguments regarding the teachings of Fuller (US 1,315,924) are persuasive, and therefore all rejections in view of this reference are withdrawn.

Regarding the statement of reasons for allowance of claims 6-25 presented previously, the examiner recognizes that indeed the two conveyors are not limited to operating at differing running speeds, and that they may be operated in any manner as needed. The examiner acknowledges the error in the statement.

Art Unit: 1731


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

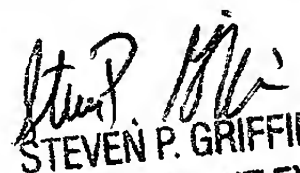
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 703 308-1980. The examiner can normally be reached on Monday through Friday, 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703 308-1164. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0651.


jeh


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